

OPINION AND DECREE

Harry M. Roderick and
Eula I. Roderick, his wife,
vs.

Elmer E. Roderick and
Nellie Roderick, his wife,
et al.

No. 16,357 Equity.
In the Circuit Court
for Frederick County,
in Equity.

OPINION and DECREE

Harry M. Roderick and Eula I. Roderick, his wife, filed their Bill of Complaint on March 1, 1948, against Elmer E. Roderick and numerous other defendants, all of whom have appeared and answered.

The relief sought in the Bill of Complaint is two-fold, the first pertaining to an assignment of a certain mortgage executed by the plaintiffs with the purpose in mind of having a trustee appointed at this time for the release of the said mortgage. This matter can readily be disposed of in that all parties agree concerning the execution and the assignment of the mortgage, and there is no objection raised as to its release. The Court therefore will appoint a trustee clothed with proper power to perform this act upon satisfaction of any amount remaining unpaid at this time.

The second point raised necessitates a construction of the last Will and Testament of William Mc. Roderick with particular reference to the Fifth Paragraph: "I desire that my daughter Ruth's share shall be held in trust at the Fredericktown Savings Institution at Frederick, Md., the interest on same to be paid to her, but the principal shall remain in tact unless under the direction of the hereinafter named trustees such sum as may be needed for sickness may be paid."

One can readily see that it was the testator's intention to give his daughter Ruth a life interest and nothing more, unless